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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,945	11/07/2001	Masaru Watanabe	MTS-3285	4814

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EXAMINER

JENKINS, DANIEL J

ART UNIT	PAPER NUMBER
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1742

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/008,945

Applicant(s)

WATANABE ET AL.

Examiner

Daniel J. Jenkins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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1. The Examiner has carefully considered Applicant's Response of 11/12/04.

The Examiner disagrees with Applicant's position that JP'727 fails to disclose the $t_1 > t_2 > t_1/4$ as claimed by Applicant. The Examiner looks to the discussion at page 9, first full paragraph in understanding the limitation. In particular, the limitation requires that the as coated electrode plate be larger than the "processed" 3-dimensional plate. The Examiner finds that the electrode of JP'727 meets this limitation, the coated plate providing for greater thickness than the uncoated processed plate, for Example a plate as shown as Fig. 6 on page 10 of JP'727. Since the understanding of this limitation appears to be paramount to the inventiveness of this Application, and the discussion is still not clear upon the record of Applicant's position as to how the prior art and the pending claims differ, the Examiner does not make this Action final.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Publication 10-340727 (JP'727) with consideration of the Partial English Translation of an Office Action dated December 16, 2003 from the Japan Patent Office for JP Application No. 2001-339946.

JP'727 discloses a method of forming an electrode comprising:

providing a current collector (2);

providing a paste (5) to both sides of the current collector with dies (3);

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drying (dessicating) the applied paste [0011]; and

rolling (pressing) the dried paste [0011].

JP'727 further discloses in the detailed description of the invention and the accompanying drawings thereof the current collector in which curved portions (201) and (202) each in the shape of a strip protruding from the front and back surfaces, respectively, reading upon the terms of "concavities" and "convexities."

JP'727 further discloses wherein a electromagnetic foil (203) in a concave state as described in Figure 3 are formed in predetermined dimensions by applying a three dimensional working on the metal foil in arrangement in parallel to each other along a direction x, as a collector having a thickness more that the metal foil.

4. Claims 2 and 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP'727.

JP'727 discloses the invention substantially as claimed (see paragraph 3 above).

However, JP'727 does not disclose the relationship of electrode thickness, applied paste thickness and nozzle gap as claimed by Applicant.

JP'727 does disclose wherein the current collector has a thickness of 5-30 um (see JP'727 Claim 16), and in the third embodiment, discloses a thickness of 5-100 um.

JP'727 further discloses a mold gap distance of 100-1000 um (see Detailed Description [0016].

JP'727 further discloses an example of dried electrode of 250 um (see Means [0021].

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Thus JP'727 discloses ranges and examples that are within ranges of the claimed ranges of Applicant, establishing a prima facie case of obviousness, allowing one of ordinary skill to determine the overall range of coating thickness, collector thickness, and final electrode thickness based on the selection of the collector and paste materials through routine experimentation based on the desired activity of the formed electrode. It is known in the prior art that both sides of the electrode be of similar activity, arrived by even active material material, determining this process parameter as controlled in the art, motivating one of ordinary skill to optimize the even application of the active material paste.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Jenkins whose telephone number is 571-272-1242. The examiner can normally be reached on M-TH6:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on 571-272-1242. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel J. Jenkins
Primary Examiner
Art Unit 1742

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